

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

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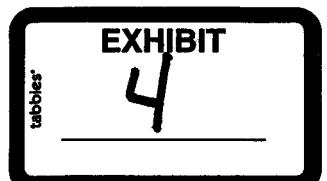
RICKY P. COGGINS, as : CIVIL ACTION  
Administrator of the :  
Estate of GLEN E. :  
COGGINS, SR., deceased, :  
: Plaintiff, :  
: VS. :  
: THE DUPPS COMPANY, :  
an Ohio Corporation, :  
: Defendant. : NO. CIV-14-425-C

- - -

Videotaped deposition of JOSEPH B. SALA,  
Ph.D., taken at Summit Court Reporting,  
Incorporated, 1500 Walnut Street, Suite 1610,  
Philadelphia, Pennsylvania, on Monday, March 23,  
2015, beginning at approximately 1:20 p.m., before  
Robin Frattali, Registered Professional Reporter  
and Notary Public in and of the Commonwealth of  
Pennsylvania.

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1 not been injurious in and around a product or in  
2 and around an environment.

3 Q. Have you personally done studies on  
4 behavioral compliance?

5 A. I have.

6 Q. What kind of products?

7 A. There have been a number of them. For  
8 example, I've done a study involving an air  
9 compressor, looking at people's information  
10 seeking patterns and compliance and attention to  
11 warnings associated with an air compressor, as  
12 well as a hand truck whose tire they were  
13 attempting to fill.

14 Q. Tell me, what did you do with the air  
15 compressor? How did you test warnings?

16 A. We had individuals come in and, under  
17 the context that they were going to be moving  
18 items, to attempt to fill the tires of a hand  
19 truck so that they could load boxes on it, and  
20 what was available to them was an air compressor  
21 and a hand pump in order to do it.

22 And so we brought them in and  
23 we had them perform this task under a controlled  
24 and observed context, and were able to assess

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1 any conclusions, it's not going to impact or  
2 influence your opinions in this case.

3 A. I was not planning on referencing that  
4 experiment for the purposes here.

5 Q. Are there any other experiments that  
6 you have personally done yourself related to  
7 warnings other than the one that you told us that  
8 has not been completed?

9 A. Yes, there -- there are other -- other  
10 research.

11 Q. Tell me about your other research.

12 A. One of them was looking at people's  
13 knowledge and understanding of Proposition 65  
14 warnings in the State of California.

15 Q. Was that the gay marriage initiative?

16 A. No, that is a -- a law in California  
17 requiring products in environments that contain a  
18 chemical known -- or in the language of the law  
19 known to the State of California to -- to cause  
20 cancer or birth defects to be disclosed to the  
21 pop -- to the public.

22 Q. So it's a chemical warning.

23 A. Yes.

24 Q. Did you do that when you were out at

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1       ones that did notice the warnings said they just  
2       disobeyed or disregarded the warning.

3           A.    No, I don't think that that's --  
4       that -- that -- that would not be my testimony.  
5       I -- I can't speak to an exact percentage of what  
6       everyone said or how they said it to us. I could  
7       look back at the study to -- to assess the -- the  
8       exact frequencies of these questions.

9           Q.    Well, let me ask you this. If there's  
10      a warning and say 100 people see the warning, 99  
11      people disregard it but one person sees the  
12      warning, heeds the warning and follows the  
13      warning, it saves that person from getting injured  
14      or killed, it's worth having that warning, isn't  
15      it?

16           A.    Again, I -- I'm not arguing that --  
17      that a person can seek that information and can  
18      heed that information, that's one of the purposes  
19      for including a warning.

20           Q.    Your study in California, does it have  
21      a name or is it published somewhere?

22           A.    I believe it does.

23           Q.    Is it on your publications?

24           A.    Yes. It's on page three. It's the

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1 listing for Huntley-Fenner G, Wood CT, Sala JB  
2 Study of the Impact of California's Proposition 65  
3 warnings on safety related awareness and  
4 behaviors. Proceedings, Society for Risk  
5 Analysis, San Antonio, Texas, December 9th  
6 through 12th, 2007.

7 Q. Was that a seminar or a professional  
8 meeting?

9 A. It was a professional meeting, yes.

10 Q. And you presented that at that time?

11 A. I did.

12 Q. Was that study peer reviewed?

13 A. Yes, it was.

14 Q. By who?

15 A. By the committee and professionals for  
16 that meeting. I don't know who the peer --  
17 what -- who the reviewers were.

18 Q. Any other studies that you've  
19 personally participated in relating to warnings?

20 A. There were a number of -- of work  
21 and -- and studies related to warnings that --  
22 that I've been involved in over the time. The two  
23 that we just spoke of are ones I can remember  
24 details as to the experiment protocol that we've

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1 reasonable degree of scientific certainty, as to  
2 Mr. Coggins' adherence to the purported warning  
3 that Mr. Ryan suggests to have been there.

4 Q. Tell the jury what physical test you  
5 performed in this case.

6 A. A physical test?

7 Q. Yes, sir.

8 A. I'm sorry.

9 Q. Yes, sir.

10 A. I -- I have not performed a physical  
11 test. I have --

12 Q. Tell --

13 A. Didn't perform a physical test.

14 Q. Tell the jury what studies you  
15 conducted in this case.

16 A. There was not an independent study to  
17 be conducted in this case, rather it was more of a  
18 meta-analysis and an application of the scientific  
19 literature, what we know about warning compliance  
20 to the available facts in this case, to make a  
21 scientific determination.

22 Q. Tell the jury how long you spent doing  
23 a physical inspection of the machine in question.

24 A. I'm sorry, can you repeat the

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1 standard of care that can be applied across all  
2 situations.

3 Q. Well, when we're talking about  
4 manufacturing industrial equipment, factory  
5 equipment --

6 A. Uh-huh.

7 Q. -- like we have here, is it your  
8 testimony today there is no standard or body that  
9 sets what the standard of care is as it relates to  
10 warnings?

11 A. Across all industrial equipment, no.

12 Q. What about this industrial equipment  
13 that's at issue in this case --

14 A. I do not --

15 Q. -- who -- hang on. Who sets the  
16 standard of care?

17 A. Again, I do not -- I do not know of  
18 any particular standard of care for the rendering  
19 industry as it relates to warnings for such  
20 products.

21 Q. You don't know what the standard of  
22 care is for warnings in the rendering industry --  
23 rendering industry, correct?

24 A. I have not seen any -- any body that

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1 sets the standard of care for warnings in the  
2 rendering industry.

3 Q. Let me ask my question again.

4 You do not know what the  
5 standard of care is in the rendering -- rendering  
6 industry as it relates to warnings?

7 A. To my knowledge, I have not seen a  
8 specified or standardized standard of care for  
9 warnings as it relates to the rendering industry.

10 Q. You don't know.

11 A. I have not found that. I have looked  
12 for such information and I see nothing specific to  
13 rendering.

14 Q. Well, if there's nothing setting the  
15 standard of care as it relates to warnings in this  
16 industry, then anybody can just come in and say  
17 whatever they want because there's nothing to set  
18 the standard, correct?

19 A. No, I think that still you can cite to  
20 relevant -- relevant scientific research, relevant  
21 standards that have a potential to be applied and  
22 can be considered more broadly, and that is how,  
23 in fact, I -- I have addressed this issue.

24 Q. But I think you've told us earlier

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1 compliance across a number of industries, across a  
2 number of situations, and to utilize that to --  
3 to -- to address issues related to human behavior  
4 in a specific situation.

5 Q. If you tell me there's no standards  
6 related to warnings in the industry that we're  
7 here about, then there has to be some subjective  
8 part of what you do to arrive at your opinions,  
9 correct?

10 A. Well, there is -- I wouldn't say it's  
11 a subjective part. I would say that it's grounded  
12 in the scientific fields and research in the issue  
13 of behavioral compliance, in attention, in the  
14 human factors areas related to the transmittal of  
15 safety information in general.

16 Q. You can have two experts look at the  
17 same case and have two different opinions,  
18 correct?

19 A. Well, I think that that happens  
20 frequently.

21 Q. Now, back to your report here at the  
22 bottom of page ten where we were talking about the  
23 warnings -- well, excuse me, I'm going to go back  
24 to page nine, and we were talking about the ANSI